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Examining the Continuing Iraq Pre-war Intelligence Myths

Executive Summary

- Critics of the Iraq war continue to reissue their assertions/charges that the President “manufactured” or “misused” intelligence to justify the war.
- In the most egregious cases, they continue to promulgate misleading critiques involving:
 - Iraq’s procurement of high-strength aluminum tubes;
 - the source code-named “Curveball”;
 - claims that Ahmed Chalabi and the Iraqi National Congress (“INC”) tricked the United States into war; and
 - the State Department “dissent” holding that Iraq did not have a nuclear weapons program.
- When the facts surrounding these issues are examined, it becomes clear that it is not the President who is misrepresenting information; rather, it is the critics.
- The Department of Energy’s intelligence agency was in the minority when it assessed that the aluminum tubes were not destined for a nuclear program, and DOE still concluded, overall, that Iraq had a nuclear weapons program.
- Policymakers did not deliberately misuse Curveball’s information; they were never even made aware of hints that Curveball might be unreliable.
- Intelligence professionals concluded that the program by which they obtained access to information about Iraq through the INC was a valuable program. Moreover, the INC’s information was essentially irrelevant to the intelligence community’s pre-war assessments.
- The “alternative view” of the State Department’s intelligence agency, INR, was no alternative. It still concluded that Iraq was “pursuing at least a limited effort to maintain and acquire nuclear weapons-related capabilities.”

Introduction

As the Senate Select Committee on Intelligence moves forward on its Phase II investigation of the pre-war intelligence in Iraq, critics of the war continue to reissue their statements that the President “manufactured,” “distorted,” “misrepresented,” “exaggerated,” “concealed,” and “misused” intelligence to justify the war. In the most egregious cases, they continue to promulgate misleading critiques involving Iraq’s procurement of high-strength aluminum tubes, the “Curveball” source (almost the sole source for the biological weapons assessment), the claims that Ahmed Chalabi and the Iraqi National Congress (“INC”) tricked the United States into war for their own ends, and the so-called State Department “dissent” holding that Iraq did not have a nuclear weapons program. When the facts surrounding these issues are examined, it becomes clear that it is not the President who is misrepresenting information; rather, it is the critics.

The President’s Reference to Iraq’s Procurement of Aluminum Tubes Did Not Mislead the Public

The issue of the aluminum tubes may perhaps be the most abused aspect of the pre-war intelligence. Critics seize upon this issue to assert that the President deliberately misled the public by referencing Iraq’s procurement of aluminum tubes as evidence of Iraq’s nuclear program when he knew that the tubes were not part of such a program.

The vast majority of the intelligence community concluded that the tubes were for a nuclear program.

High-strength aluminum tubes are used in centrifuges as part of a uranium enrichment program. In the October 2002 National Intelligence Estimate (“NIE”), most of the intelligence agencies concluded that Iraq was reconstituting its nuclear weapons program. The most compelling evidence cited in the NIE for this conclusion was Iraq’s aggressive pursuit of these tubes.¹ The intelligence community’s conclusion was based on two separate, yet related, analytical determinations: first, a determination that the tubes were not well suited for Iraq’s conventional rocket program; and second, a determination that the tubes were suitable for centrifuges in a nuclear program. The intelligence community had managed to obtain samples of the tubes bound for Iraq, which made the conclusion all the more compelling.

DOE concluded that the tubes were more likely suited for rockets.

Given the two analytical determinations for the overall nuclear weapons conclusion, critics rely heavily on the Department of Energy’s conclusion on the second point, as DOE serves as the government’s primary repository of expertise on nuclear matters. DOE’s intelligence experts assessed that the tubes were not well suited for a gas centrifuge application and were more likely destined for a rocket program.² Critics take this to assert that the President

¹ Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Final Report to the President (U), p. 52 (March 31, 2005).

² WMD Commission Final Report, p. 59.

knowingly misled the country about the evidence for a nuclear program because the country's nuclear experts had concluded that the aluminum tubes were not destined for a nuclear program. The critics fail to provide four other crucial facts, which undercut this rationale.

1. The rocket experts concluded the tubes were not intended for rockets.

The National Ground Intelligence Center ("NGIC") is a component of the Army, and is recognized as the nation's expert entity on conventional military systems. NGIC concluded that it was "highly unlikely" that the tubes were intended for rockets.³ Thus, the country's rocket experts concluded the exact opposite of what the nuclear experts concluded.

2. Even the nuclear experts at DOE concluded that the tubes *could* have a nuclear use.

The critics also fail to mention that there was an inter-agency consensus among the intelligence agencies, including DOE's, that the tubes could be used in a centrifuge program.⁴ Therefore, it was not inappropriate for the President as a policymaker to conclude that Iraq had a nuclear program because DOE did not dispute that the tubes could be used in such a program.

3. DOE's position was a minority position, and it was duly noted as such.

At the interagency coordination meeting for the drafting of the NIE, the CIA, Defense Intelligence Agency ("DIA"), National Geospatial-Intelligence Agency ("NGA"), and the National Security Agency ("NSA") all agreed that the aluminum tubes were intended for a nuclear-related use.⁵ Only INR,⁶ the State Department's intelligence office, joined the DOE conclusion with respect to the tubes.

Moreover, it is not as if this difference of analysis were obscured. Prior to the publication of the NIE, both the CIA and DOE were publishing analytical products in support of their respective positions on the tubes. Furthermore, in both the NIE itself and after the NIE was published, it was made known to policymakers that the intelligence community was not unified in its analysis of the tubes, and that DOE's position was the minority position. Simply put, all the intelligence agencies involved in the drafting of the NIE, except DOE and State, agreed that the aluminum tubes provided compelling evidence for the conclusion that Iraq was reconstituting its nuclear weapons program.⁷

4. DOE still concluded that Iraq had a nuclear program.

Most importantly, DOE's intelligence unit was among the vast majority of intelligence agencies to conclude that Iraq had a nuclear program—notwithstanding its conclusion about the use of the aluminum tubes.⁸ DOE based its conclusion on other factors, such as Iraq's attempted

³ WMD Commission Final Report, p. 67.

⁴ WMD Commission Final Report, p. 56.

⁵ WMD Commission Final Report, p. 57.

⁶ Department of State Bureau of Intelligence and Research.

⁷ WMD Commission Final Report, p. 58.

⁸ WMD Commission Final Report, p. 59.

procurement of specialty magnets and balancing machines.⁹ In this regard, the use of the aluminum tubes was never the dispositive issue that critics make it out to be. Every agency (including the State Department, as will be shown later) assessed that Iraq had some form of nuclear program.

Policymakers Had No Idea Curveball Was Potentially an Unreliable Source

Curveball's story is simple, and yet is as equally distorted as the aluminum tubes story. Just as the aluminum tubes provided the most compelling evidence for the nuclear weapons conclusion, the intelligence community's assessment with respect to Iraq's biological weapons program was based almost exclusively on information provided by a single human source, code-named Curveball.

Critics suggest that the President and Secretary Powell deliberately misled the public by using Curveball's information when they knew this source's information was fabricated. There indeed was a vigorous debate at the working levels of the CIA as to whether Curveball's information was reliable.¹⁰ It seems that policymakers, however, were not made aware of this internal debate. The NIE did not adequately convey to readers the limitations of the source,¹¹ and there is no evidence that such concerns were conveyed to Secretary Powell prior to his speech on February 5, 2003, to the United Nations, in which he asserted that Iraq had mobile biological weapons production laboratories.¹²

Policymakers were never afforded the opportunity to decide whether to credit Curveball's reporting, because they were never given even a hint that it might be unreliable. Therefore, it is irresponsible to insinuate that policymakers knowingly used Curveball's fabricated information in their policy statements, as the facts specifically discredit this assertion.

Ahmed Chalabi and the INC Did Not Trick the United States Into War

The Iraqi National Congress, led by Ahmed Chalabi, was an Iraqi exile opposition group that provided the United States government with access to information about Iraq prior to the war. Senator Durbin continues to quote a statement made by Mr. Chalabi after the war that Mr. Chalabi considers the INC to be "heroes in error."¹³ Senator Durbin seems to be suggesting that policymakers knowingly accepted the INC's information and used it to justify the war when the policymakers knew it was incorrect. Yet those who subscribe to this theory fail to state the fact

⁹ WMD Commission Final Report, p. 59.

¹⁰ See WMD Commission Final Report, pp. 96-97, 105.

¹¹ WMD Commission Final Report, p. 93-94. It is unclear whether three major points were ever communicated to policymakers: 1) the intelligence community was almost exclusively relying upon Curveball for its biological weapons judgment; 2) the United States never had direct access to Curveball; he was handled by a foreign liaison service; and 3) Curveball was known to have handling problems, meaning that he was difficult to work with.

¹² WMD Commission Final Report, p. 105.

¹³ E.g. Senator Richard Durbin, 151 Cong. Rec. S12881 (daily ed. Nov. 16, 2005); Senator Richard Durbin, 151 Cong. Rec. S12556 (daily ed. Nov. 9, 2005).

that the information made available by Mr. Chalabi and the INC was essentially irrelevant to the intelligence assessments leading up to the war.

First, critics associate Curveball with the INC, even though there is no evidence “that the INC or any other organization was directing Curveball to feed misleading information to the Intelligence Community.”¹⁴ Second, there were two INC sources that were relied on in the formulation of the October 2002 NIE, and the “[r]eporting from these two INC sources had a ‘negligible’ impact on the overall assessments.”¹⁵

Furthermore, critics then assert that Mr. Chalabi was bypassing the intelligence community and directly feeding his information to policymakers. Even if Mr. Chalabi were asserting to policymakers that Iraq had weapons of mass destruction, he would not have been telling them anything different than what they were already hearing from their own intelligence community. The intelligence community concluded in its October 2002 NIE that Iraq was reconstituting its nuclear weapons program, and it assessed “with high confidence” that Iraq possessed stockpiles of both biological and chemical weapons.

Finally, politicians who are critical of the INC fail to note that intelligence professionals at DIA and United States Central Command intelligence officers in the field in Iraq evaluated the program and concluded that, overall, it was a valuable program. It was like every other intelligence collection program in that it provided a mix of good and bad information. This does not, however, demand the conclusion that the program was inherently bad, that the U.S. intelligence community relied too heavily on INC information to its detriment, or, worse, that the INC used it to trick the United States into going to war for the INC’s own ends.

The State Department’s “Alternative View” Was Not That Alternative

Critics suggest that the President should have known that Iraq did not have a nuclear weapons program because the State Department concluded in the NIE that Iraq did not have a nuclear weapons program. This assertion misrepresents the substance of the State Department’s “alternative view,” and proves too much in terms of the weight of the State Department’s position.

First, in terms of weight, INR was the only intelligence community agency to have an “alternative view” of Iraq’s nuclear program. Again, even though the critics make much of DOE’s conclusions with respect to the aluminum tubes, DOE still joined the overall conclusion that Iraq was reconstituting its nuclear weapons program. Thus, the State Department was alone amongst 15 intelligence community agencies in positing an “alternative view.”

More importantly, in terms of substance, the so-called alternative view was not an alternative at all, because INR, too, concluded that Iraq was pursuing nuclear weapons. The basic judgment of the intelligence community, as stated in the NIE, was that Iraq was reconstituting its nuclear weapons program, where reconstitution was defined as an effort to restore a uranium enrichment capability. After this summary assessment was given, INR drafted

¹⁴ WMD Commission Final Report, p. 108.

¹⁵ WMD Commission Final Report, p. 108.

an “alternative view” that was captured in a separate text box in the printed report. The INR statement was that Iraq was not pursuing an “integrated and comprehensive approach to acquire nuclear weapons,” and that “available evidence [was] inadequate to support such a judgment.” The opening sentence of the INR text box, however, concluded that Saddam Hussein “continues to want nuclear weapons, and that available evidence indicates that Baghdad is pursuing at least a limited effort to maintain and acquire nuclear weapons-related capabilities.”

INR’s position was not particularly helpful to policymakers in three respects. First, in the President’s summary of the NIE, INR stated its judgment that the “overall evidence ‘indicates, at most, a limited Iraqi nuclear reconstitution effort.’”¹⁶ Second, INR did not dispute the conclusion of the other intelligence agencies regarding Iraq’s reconstitution of its nuclear program. Rather, INR only stated that it believed that the “available evidence [was] inadequate to support such a judgment.” In this regard, from the text of the INR statement, policymakers could fairly conclude that every single intelligence agency assessed that Iraq had at least some form of a nuclear weapons program, and that INR only had a dispute as to the degree to which Iraq was pursuing nuclear weapons. This does not constitute a dissent that Iraq was not pursuing nuclear weapons.

Third, the INR “dissent” is a non sequitur because it does not directly dissent from the textual conclusion of the NIE. INR stated that it judged that Iraq was not pursuing an “integrated and comprehensive” effort to acquire nuclear weapons. The NIE never characterized Iraq’s efforts to procure a nuclear capability as “integrated and comprehensive”—the phrase never appears in the 90-page NIE. In the end, the INR alternative view was really not that much of an alternative, substantively. It was merely a qualifier.

These Four Stories Betray the Role of the Policymaker

Critics distort the stories of the aluminum tubes, Curveball, the INC, and the State Department view to suggest that, when policymakers made speeches about Iraq, it was incumbent upon them to outline all competing views on the issue. On the contrary, a policymaker is much more likely to review all the available evidence, come to a conclusion based on that review, and then make the case for his position based on the evidence. It is up to those who hold the opposite policy position to present their position based on the evidence. The President need not make their case for them. It is very rare for a Senator to take to the floor to outline all the contrary evidence he discounted, and how he dismissed it in coming to his policy decision. The critics are charging that Administration policymakers should have given policy speeches that the critics themselves would never give.

For example, critics seem to suggest that policymakers, in their public remarks, should have noted that there was dissenting (albeit minority) opinion as to the true purpose of the aluminum tubes. Yet, they fail to suggest that the President also (or instead) could have presented a discussion about high-speed spin testing machines, balancing machines, specialty magnets, other dual-use procurements, activity at suspect nuclear sites, or the recomposition of the Iraqi expert nuclear cadre;¹⁷—all reasons DOE used to support its conclusion that Iraq has a

¹⁶ WMD Commission Final Report, p. 57 (quoting the President’s Summary).

¹⁷ WMD Commission Final Report, pp. 57-59.

nuclear program. It was perfectly reasonable for the President to rely on the aluminum tubes as evidence of an Iraq nuclear program, which the vast majority of the intelligence community concluded was the “most compelling” evidence that Iraq had reconstituted its nuclear weapons program.

Conclusion

Critics continue to exploit the myths of Iraqi pre-war intelligence relating to the aluminum tubes, the Curveball source, Ahmed Chalabi and the INC, and the so-called State Department dissent for the purpose of claiming that the President misled the American people prior to the entering war in Iraq. Once the intelligence on these topics is examined in further detail, it becomes clear that it is actually the critics who are misleading the American people.